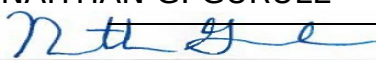
	LOS LUNAS POLICE DEPARTMENT		
	OPERATIONS	NUMBER: OPR.04.01	EFFECTIVE DATE: June 8, 2010
	SUBJECT: Juvenile Operations		REVIEW DATE: July 22, 2015
	AMENDS/ SUPERSEDES:	NMSA:	
NMMLEPSC STANDARDS: OPR.04.01- OPR.04.05		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

I. STATEMENT OF PURPOSE

The purpose of this policy is to define departmental procedure and provide guidance to officers when handling juveniles. Law enforcement interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, officers will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Department shall be documented.

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility for all agency personnel and components to participate - in and support the juvenile operations.

II. DEFINITIONS

Juvenile: A person under 18 years of age.

Delinquent Act: An act committed by a child which would be designated as a crime under the law if committed by an adult.

Delinquent Child: A child who has committed a delinquent act.

JPPPO: Juvenile Probation and Parole Office/Officer

Child Protective Services: Children, Youth and Families
Department (Statewide Central Intake
{SCI} 1-855-333-SAFE)

New Mexico DPS Clearinghouse Forms:

New forms which are to be completed by the investigating officer on scene and then forwarded to Central Dispatch to be faxed and /or mailed to the New Mexico Vital Record and Health Statistics. See attached.

**III. TAKING INTO
CUSTODY**

A. Delinquent Child

If a child is taken into custody, after arriving at the facility, the on-duty or on-call JPPPO will be notified as soon as possible by the arresting officer. The officer will advise the dispatcher of the name, and other pertinent information and the dispatcher. At that time, the JPPPO will authorize either release or detention.

If the JPPPO authorizes release, the appropriate paperwork will be completed and the juvenile released to a parent or guardian. The detaining officer will document the time, date and person the juvenile is released to.

If the JPPPO authorizes the detention of the juvenile, the arresting officer will complete a juvenile statement of probable cause which will be attached to the arrest report.

B. Detoxification

A juvenile may be detained for detoxification purposes only by this Department. If an officer comes into contact with a juvenile who is intoxicated and poses a danger to him/herself or others, the juvenile will be transported to the emergency room and every effort will be made to notify the parents or guardians. If a parent or guardian is not available CYFD will be contacted.

IV. PROTECTION OF RIGHTS

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

A. The child will be brought to the Los Lunas Police Department without delay, unless the child is in need of emergency medical treatment. The officer will make every attempt to contact parents or legal guardian and advise them that the child is in need of medical services. If no family member can be contacted, Children Youth and Families will be notified.

1. The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed;

The arresting officer will complete an 'Arrest Report';

The child will be given a copy of the 'Advise of Rights' to read and sign. The copy will be attached to the arrest report. If the child is being detained, a 'Probable Cause Determination' will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.

B. If the child is taken into custody a complete copy of the report will be forwarded to the JPPO's Office.

C. Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant.

V. PARENT NOTIFICATION/RELEASE

A. The parents/guardians of the child will be contacted and advised the child has been taken into custody, the reason and whether they are being released or detained;

B. When the child is released from the Los Lunas Police Department, whether to a parent/guardian, or being transported to a detention facility, it will be noted on the incident report.

VI. CUSTODIAL INTERROGATION

The guidelines of the Children's Code, 32A-1-1 to 32A-20-1,

N.M.S.A. 1978, do not prohibit the officer from interviewing and taking statements from victims or witnesses of any age. While the presence of the parents/guardians is not mandatory during the interrogation of a juvenile, prior to taking this action, the officer(s) should confer with the parents/guardians. The interrogation shall be limited to no more than two (2) officers being present. The questioning will not last longer than two hours and there must be a thirty-minute break before resuming interrogations. No child will be interrogated or questioned without first being advised of his constitutional rights and a waiver is secured from the child. Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them. During the course of the interrogation, the officer will explain to the juvenile the department's procedure and the role of the juvenile justice system in investigations.

VII. CRIMINAL CITATIONS

Citations can be issued to juveniles in lieu of arrest.

VIII. TRAFFIC CITATIONS

All Municipal and Magistrate courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. No Municipal or Magistrate court shall incarcerate a child found guilty of any of the provisions of the Motor Vehicle Code or Municipal Traffic Code without first securing approval of the Children's Court. If the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations, it shall have jurisdiction over all traffic offenses alleged to have been committed by the child arising out of the same occurrence.

IX. HANDLING JUVENILE OFFENDERS

- A. When investigating offenses or incidents involving juvenile offenders, officers will use the most appropriate alternative. These alternatives may include:
 - 1. Release with no further action;
 - 2. Referral to Teen Court, or JPPO whichever is applicable;

3. Custodial arrest with referral to juvenile authorities.
- B. Based on the nature of the investigation, when an officer determines that a juvenile will not be arrested, he/she will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation.

X. RUNAWAYS/ENDANGERED CHILD

- A. All runaway reports must be completed as soon as possible and the appropriate paper work faxed and mailed to New Mexico Vital Record and Health Statistics.
- B. Within 2 hours of receiving a missing child report:
 1. Start an appropriate investigation to locate the missing child.
 2. Determine if the person is an endangered missing person. If the person is determined to be endangered, notify DPS using the appropriate form.
 3. Consider if an Amber Alert is justified.
 4. Provide the missing person's clearinghouse at DPS all available information using the appropriate form.
 5. Enter missing person into NCIC.
 6. After the above steps have been taken, all new information received must be updated at the DPS clearinghouse and NCIC within 2 hours of receiving the new information.
 7. **Within 24 hours of the initial report**, notify the state registrar's office of the missing child by phone, fax or email.
 8. **Within 72 hours of initial state registrar's notification**, make written notification to state registrar on appropriate form.

*** All state registrar notifications will include the child's full name, DOB, county and state of birth, the mother's

maiden name, name and contact information of the father and name and phone number of a contact person at the law enforcement agency ***

*** At the time the child is reported missing, complete a dental records release form. Once you receive the dental records, send them to the clearinghouse at DPS ***

- C. The Juvenile Probation and Parole Office must be notified in the event a runaway from another state is located since they are responsible for seeing that the child is returned to his/her home state.
- D. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The dispatcher should notify the call taker that an officer needs a caseworker for an emergency placement of an endangered child.
- E. If time becomes a critical issue and it is feasible to relocate the child to the police department, have the caseworker respond to the department. In any case, the child is the responsibility of the responding officer until he/she has been turned over to CYFD.

XI. SCHOOL RESOURCE OFFICER

- A. The School Resource Officer Program will be administered at the Los Lunas Middle School and High School and other schools on an as-need-base. This is an additional duty assigned by the Chief of Police. The officer will work closely with the Los Lunas School system specifically as a law enforcement officer.
- B. The School Resource Officer Program will focus on the needs of the Los Lunas Middle or High School by providing the following resources:
 - 1. Act as a resource with respect to delinquency prevention;
 - 2. Provide guidance on ethical issues in a classroom setting;
 - 3. Provide individual counseling to students

4. Explain the law enforcement role in society;
5. School Resource Officer will work, on as-need-bases to coordinate law enforcement presence, at school activities such as dances, football games, etc.
6. School resource programs can also provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted and, as a result, earn mutual respect.
7. Visits to schools by a liaison officer should be frequent and on an ongoing basis, so that the students can come to recognize and identify with the school Resource Officer.
8. At times when school is not in session the School Resource Officer will report to his immediate supervisor for assignment.
9. Monitoring school zones before and after school hours when not performing other duties.
10. Brief immediate supervisor on a daily basis on regular work days to include a written daily report. The School Resource Officer will remain readily accessible to his supervisor during his regular work hours for directed tasks.
11. Will prepare and present a monthly Comp Stat report relating to SRO matters while school is in session.